

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #7	CCRB Case #: 201802916	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/04/2018 5:04 PM	Location of Incident: Parking lot of 140 Park Hill Avenue	Precinct: 120	18 Mo. SOL 10/4/2019	EO SOL 10/4/2019	
Date/Time CV Reported Fri, 04/06/2018 12:44 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 04/06/2018 12:44 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Mohsin Mohsin	20781	952026	GANG SI
2. POM Matthew Shaw	20841	946241	GANG SI

Officer(s)	Allegation	Investigator Recommendation
A.POM Mohsin Mohsin	Abuse: Police Officer Mohsin Mohsin stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Matthew Shaw	Abuse: Police Officer Matthew Shaw stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Matthew Shaw	Force: Police Officer Matthew Shaw used physical force against § 87(2)(b)	
D.POM Mohsin Mohsin	Abuse: Police Officer Mohsin Mohsin interfered with § 87(2)(b)'s use of a recording device.	

Case Summary

On April 4, 2018, at approximately 5:04 p.m., § 87(2)(b) was driving home with a friend whom he could only identify as § 87(2)(b). PO Matthew Shaw and PO Mohsin Mohsin of the Staten Island Gang Squad stopped § 87(2)(b)'s vehicle in the parking lot of 140 Park Hill Avenue in Staten Island (**Allegations A and B: Abuse of Authority - § 87(2)(g)**). § 87(2)(b) took out his cell phone to record the officers. PO Shaw allegedly grabbed § 87(2)(b) by the shirt collar (**Allegation C: Force - § 87(2)(g)**). PO Mohsin allegedly grabbed § 87(2)(b)'s cell phone and prevented him from recording (**Allegation D: Abuse of Authority: § 87(2)(g)**). PO Shaw obtained § 87(2)(b)'s license but did not issue any summonses to § 87(2)(b). § 87(2)(b) claimed to have suffered a scratch on his neck, but did not seek or obtain any medical treatment.

§ 87(2)(b) recorded a cell phone video of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Mohsin Mohsin stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Matthew Shaw stopped the vehicle in which § 87(2)(b) was an occupant.

It remains in dispute whether § 87(2)(b) committed any traffic infraction.

§ 87(2)(b) stated in his CCRB statement (**Board Review 1**) that he was driving home with his friend § 87(2)(b) and had turned into the parking lot behind his building when he was pulled over by PO Shaw and PO Mohsin. § 87(2)(b) denied that he committed any traffic infractions or used his cell phone while driving. § 87(2)(b) claimed that after being pulled over, PO Shaw and PO Mohsin both walked towards him asking, “Where’s § 87(2)(b)? Where § 87(2)(b) at?” § 87(2)(b) stated that § 87(2)(b) was a friend of his but did not know why the officers were asking about him. PO Shaw asked § 87(2)(b) for his identification which he provided, and PO Shaw and PO Mohsin both returned to their vehicle. PO Shaw returned the identification to § 87(2)(b) and told him that he shouldn’t use his cell phone while driving. The officers then left without issuing any summonses.

PO Shaw and PO Mohsin both stated that they pulled § 87(2)(b) over after observing him using a cell phone while driving in front of 140 Park Hill Avenue. PO Shaw and PO Mohsin both denied that they asked § 87(2)(b) about “§ 87(2)(b)” or § 87(2)(b). In his CCRB interview, PO Shaw (**Board Review 2**) stated that § 87(2)(b) was a name that he had heard of but had no personal knowledge of. PO Mohsin stated in his CCRB interview (**Board Review 3**) § 87(2)(b) is a gang member whom the Staten Island Gang Squad has been seeking and had attempted to apprehend unsuccessfully. PO Mohsin claimed that § 87(2)(b) began to bring up “§ 87(2)(b)” himself without any prompting by the officers. PO Mohsin was wearing a shirt with “Gang Squad” written on it and believed that § 87(2)(b) assumed that the officers were looking for “§ 87(2)(b)”. Both PO Mohsin and PO Shaw denied knowing § 87(2)(b) before pulling him over. PO Shaw stated that he used his discretion not to issue a summons to § 87(2)(b). PO Mohsin stated that he and PO Shaw

were not aware that they did not have a summons book with them until after PO Shaw obtained § 87(2)(b)'s identification and decided to let him off with a warning.

The cell phone video (**Board Review 4**) recorded by § 87(2)(b) does not show an officer asking him about § 87(2)(b) or § 87(2)(b). In the video, § 87(2)(b) complained to the officers that they had been asking about § 87(2)(b) and asked the officers why they asked him about § 87(2)(b). Neither officer responded and PO Shaw only asked § 87(2)(b) for his identification. At the end of the video, PO Shaw warned § 87(2)(b) not to use his cell phone while driving before leaving.

§ 87(2)(g) § 87(2)(b) denies that he committed any traffic infraction and claimed that PO Shaw and PO Mohsin were more focused on asking about his friend § 87(2)(b). PO Shaw and PO Mohsin deny any other motivation for stopping § 87(2)(b)'s vehicle apart from the alleged use of cell phone, but ultimately did not issue any summonses to § 87(2)(b).

The video evidence § 87(2)(g) does not show the beginning of the incident when PO Shaw and PO Mohsin were allegedly asking about § 87(2)(b) nor does it show whether § 87(2)(b) had committed any traffic infractions prior to being pulled over. However, it does show that PO Shaw warned § 87(2)(b) about using a cell phone while driving, but it also does show that § 87(2)(b) was complaining about the officers asking about § 87(2)(b).

§ 87(2)(g)

Allegation (C) Force: Police Officer Matthew Shaw used physical force against § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Mohsin Mohsin interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) stated that he took out his cell phone as the officers approached him. He alleged that PO Shaw approached him and grabbed him by the shirt collar, scratching him on the neck in the process. § 87(2)(b) did not seek any medical treatment. In his cell phone video and during his interview, § 87(2)(b) frequently stated that PO Shaw had grabbed him by the "neck" but clarified that he meant that PO Shaw grabbed him by the shirt collar. PO Mohsin then allegedly grabbed the cell phone from § 87(2)(b)'s hand preventing him from using his cell phone to record at this moment. PO Mohsin then returned the cell phone to § 87(2)(b) and § 87(2)(b) began to record video on his cell phone.

PO Shaw stated that he did not recall the details of his interaction with § 87(2)(b) besides obtaining his identification. PO Shaw stated that he did not recall grabbing or otherwise physically restraining § 87(2)(b). PO Mohsin stated that he did not see PO Shaw grab § 87(2)(b) by the collar. PO Mohsin stated he was on the passenger side of the vehicle, and could not see § 87(2)(b)'s neck, but believed that he would have been able to see PO Shaw if he had

grabbed § 87(2)(b) PO Mohsin and PO Shaw both denied that PO Mohsin ever took § 87(2)(b) § 87(2)(b)'s cell phone or prevented him from recording with his cell phone.



§ 87(2)(b) Cell Phone.MP4

In the cell phone video recorded by § 87(2)(b) (**Board Review 4**), at the 45 second mark § 87(2)(b) § 87(2)(b) provided his driver's license. At the 1 minute 5 second mark, after § 87(2)(b) turned the camera away from PO Shaw, PO Shaw stated, "I'm telling you, stop reaching like that." § 87(2)(b) § 87(2)(b) denied that he was "reaching" and PO Shaw responded, "You're reaching, you're reaching." § 87(2)(b) asked, "Why you grabbing me by my neck?" The tone and intonation of PO Shaw and § 87(2)(b)'s voices indicated that the alleged "reaching" by § 87(2)(b) and the "grabbing" by PO Shaw was happening at that moment or had just occurred. The camera was pointed at the dashboard at around this point and neither § 87(2)(b) nor PO Shaw was visible on camera. There was a sudden movement of the camera immediately before PO Shaw accused § 87(2)(b) of reaching, but it did not show whether PO Shaw grabbed § 87(2)(b) or whether § 87(2)(b) reached for anything. § 87(2)(b) turned the camera towards PO Shaw, but did not show PO Shaw in physical contact with § 87(2)(b). PO Shaw repeatedly accused § 87(2)(b) of "reaching." At this point, § 87(2)(b)'s passenger § 87(2)(b) told him, "Chill." And § 87(2)(b) replied, "Alright I'ma chill." § 87(2)(b) continued to accuse PO Shaw of grabbing him by the neck and PO Shaw replied, "I don't know what you're reaching for man." § 87(2)(b) denied that he was reaching for anything. PO Shaw then walked to his patrol car with § 87(2)(b)'s driver's license. While the officers were in their patrol car, § 87(2)(b) and § 87(2)(b) talked amongst themselves. At the 2:51 mark in the video, § 87(2)(b) turned the camera on himself and stated that one of the officers grabbed him by the "neck" while gesturing and demonstrating by pulling on his shirt collar. § 87(2)(b) also stated that he had been scratched and that there was a "scratch" on his neck. No marks or visible injuries could be seen on his neck. PO Shaw then returned § 87(2)(b)'s identification to him and left in his patrol car with PO Mohsin.

Upon being shown the video, PO Shaw stated that he still could not recall whether § 87(2)(b) was reaching for anything and he could not recall whether he grabbed or restrained § 87(2)(b) in any way in response.

§ 87(2)(g)

§ 87(2)(b) The video indicates that between the 1 minute 5 second mark and the 1 minute 8 second mark in the video, some physical interaction transpired between PO Shaw and § 87(2)(b). However, the video does not show the physical interaction. It also does not show whether § 87(2)(b) reached for anything despite PO Shaw claiming in the video that what he did was in response to § 87(2)(b) reaching for something.

§ 87(2)(g) Although § 87(2)(b) claimed that the alleged use of force by PO Shaw occurred before he began to record and that PO Mohsin physically prevented him from recording with his cell phone at that time, the video quite

clearly shows that the physical altercation occurred as § 87(2)(b) was recording. It also shows that PO Mohsin did nothing to intervene or prevent § 87(2)(b) from recording.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
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- PO Mohsin Mohsin has been a member of service for six years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated. ■
§ 87(2)(g)
- PO Matthew Shaw has been a member of service for 10 years and has been a subject in seven CCRB complaints and 23 allegations, of which six were substantiated.:
 - 201702888 involved substantiated allegations of stop, frisk and search against PO Shaw. The Board recommended Command Discipline B and the NYPD has not yet imposed discipline.
 - 201710449 involved a substantiated allegation of vehicle search against PO Shaw. The Board recommended charges and the NYPD has not yet imposed discipline.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 3, 2018, the Office of the New York City Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 6**).

• § 87(2)(b), § 87(2)(c)

§ 87(2)(b), § 87(2)(c)

Squad No.: 7

Investigator: _____ Inv. Simon Wang _____
Signature Print Title & Name Date

Squad Leader: _____ _____
Signature Print Title & Name Date

Reviewer: _____ _____
Signature Print Title & Name Date